

# In the Court of Appeals of the State of Alaska

**Michael Charles Redfox,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-13825**

## **Order**

Motion to Accept Late Appeal

Date of Order: **5/6/2021**

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Trial Court Case No. **4EM-13-00151CR**

The Public Defend Agency, representing Michael Redox, has filed a motion asking this Court to accept an appeal that is more than 60 days late. Under Appellate Rule 521, this Court generally has no authority to accept an appeal or a petition that is more than 60 days late.

That said, this Court has on rare occasions accepted appeals filed more than 60 days late. The Court has done so when the pleadings accompanying those appeals have set forth a *prima facie* case of ineffective assistance of counsel under *Roe v. Flores-Ortega*, 528 U.S. 470, 477 (2000), and the attorney's improper neglect of the appeal is obvious and uncontested. *See, e.g., Gusty v State*, File No. A-08832, *Stacy v. State*, File No. A-12668, *Hoehne v. State*, File No. A-12815, *Backford v. State*, File No. A-12995, and *Nyako v. State*, File No. A-13157; *see also Amos v. State*, 46 P.3d 1044 (Alaska 2002).

Here, the pleadings filed by the Public Defender Agency have set forth a *prima facie* case of ineffective assistance of counsel under *Roe v. Flores-Ortega*, 528 U.S. 470, 477 (2000), and the attorney's negligence in properly filing the appeal is obvious and uncontested. Accordingly, the motion to accept the late filed appeal is **GRANTED**.

*Redfox v. State* - p. 2  
File No. A-13825  
May 6, 2021

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



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Carly Williams, Deputy Clerk

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